

So Ordered.

Dated: March 24th, 2022



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

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10 UNITED STATES BANKRUPTCY COURT

11 IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

12 In re:

13 **LEONARD C. ENGLAND**, a single man,
d/b/a LEN ENGLAND ORCHARD,

14 and

16 **LEN ENGLAND ORCHARD, INC.**,

17 Debtors.

Jointly Administered
No.: **21-00909-FPC11**
21-00917-FPC11

Chapter 11

FINDINGS OF FACT

18 **THIS MATTER** coming before the Court upon the issues raised by Debtors' request for
19 confirmation of Debtor's Joint Plan of Reorganization filed on October 28, 2021 [ECF No. 100],
20 as amended and supplemented [ECF No. 117] ("Joint Plan"), and based upon the evidence
21 produced, the Court now makes the following:

FINDINGS OF FACT

22 1. Debtors' Joint Plan was filed herein on October 28, 2021 and was submitted to
23 creditors and other parties in interest, as was the amendment;

25 Findings of Fact-1

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1 2. That the Joint Plan has been accepted in writing by the creditors and equity
2 security holders whose acceptance is required by law; and

3 3. That the provisions of Chapter 11 of the United States Code have been complied
4 with and the Joint Plan has been proposed in good faith and not by any means forbidden by law;
5 and

6 4. That (a) each holder of a claim or interest has accepted the Joint Plan or will
7 receive or retain under the Joint Plan property of a value, as of the effective date of the Joint
8 Plan, that is not less than the amount that such holder would receive or retain if the Debtors
9 were liquidated under Chapter 7 of the Code on such date, or (b) the Joint Plan does not
10 discriminate unfairly, and is fair and equitable with respect to each class of claims or interests
11 that is impaired under, and has not accepted the Joint Plan; and

12 5. All payments made or promised by the Debtors or by a person issuing securities
13 or acquiring property under the Joint Plan or by any other person for services or for costs and
14 expenses in, or in connection with, the Joint Plan and incident to the case, have been fully
15 disclosed to the court and are reasonable and are hereby approved, or, if to be fixed after
16 confirmation of the Joint Plan, will be subject to approval of the court; and

17 6. Confirmation of the Joint Plan is not likely to be followed by the liquidation, or the
18 need for further financial reorganization of the Debtors, or (b) if the Joint Plan is a plan of
19 liquidation, the Joint Plan sets a time period in which liquidation will be accomplished, and
20 provides for the eventuality that the liquidation is not accomplished in that time period; and

21 7. That pursuant to the Joint Plan, the following acts or events constitute substantial
22 consummation of the Joint Plan: sixty (60) days following Confirmation, provided that Debtors
23 have paid all installments provided by this Joint Plan to be paid within that time.

25 Findings of Fact-2

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8. Creditors were given Notice of Confirmation and no objections thereto were made, or if made, have been resolved.

9. It is proper that Debtors' Joint Plan be confirmed, subject to the following:

a. The provision of Joint Plan in Article X, page 15, lines 7 – 8, is amended to provide:

“Any delinquencies due Class 4 (Wells Fargo) shall be cured within six (6) months from Effective Date.”

is hereby removed.

b. Notwithstanding any provision of the Joint Plan to the contrary the claim of Class 5 (Bank of America) shall be treated pursuant to "Claim Treatment Stipulation as to Bank of America, N.A.'s Claim Under Debtors' Joint Chapter 11 Plan" [ECF No. 116] ("Stipulation") and said Stipulation is incorporated into and is a part of Joint Plan.

c. Notwithstanding any provision of the Joint Plan to the contrary, "Debtors' Amendment to Joint Plan of Reorganization [ECF No. 167] is hereby approved.

//END OF ORDER///

PRESENTED BY:
SOUTHWELL & O'ROURKE, P.S.

BY:/s/ Dan O'Rourke
DAN O'ROURKE, WSBA #4911
Attorney for Debtor Len England

**APPROVED FOR ENTRY
NOTICE OF PRESENTATION WAIVED**

ALDRIDGE PITE, LLP

BY:/s/ Jesse Baker
JESSE BAKER, WSBA #36077
Attorney for Creditor Bank of America

Findings of Fact-3

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